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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,707	01/12/2006	Gay Joyce Cornelius	102792-436 (11134P1)	8901
27389	7590	06/01/2006	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS			MAI, TRI M	
875 THIRD AVE			ART UNIT	
18TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10022			3727	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,707

Applicant(s)

CORNELIUS ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/10/05; 03/22/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

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1. Claims 7-8, and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7-9, "the odour-absorbing material" has no antecedent basis.

Please change "odour" to --odor--.

Regarding claim 12, "cover member" is the same as the flaps as recited in claim 1. This is a double inclusion. Similar with the flap in claim 13. If not, it is unclear what is the flap in claim 13.

2. Claims 1-5, 7-8, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Marcellis (5788067) or Stephenson (2315909) in view of JP 08070981 or JP 11089699. Marcellis teaches a clothes cover having front and rear surfaces connected together along their sides and upper peripheral edges but not along the lowermost peripheral edges wherein an opening is formed in the front surface of the enclosure forming a pair of flaps 16 as claimed. Stephenson teaches a clothes cover having front and rear surfaces connected together along their sides and upper peripheral edges but not along the lowermost peripheral edges wherein an opening is formed in the front surface of the enclosure forming a pair of flaps 9 and 10. Stephenson meets all claimed limitations except for the clothing cover being made from an odor absorbing material.

Either JP 981 or JP 699 teaches that it is known in the art to make a cover from a odor absorbing material. It would have been obvious to one of ordinary skill in the art to make a cover from a material with an odor absorbing material

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It would have been obvious to one of ordinary skill in the art to make a clothes cover from a material with an odor absorbing material to removing bad odor from the clothes.

Regarding claims 7-8, it would have been obvious to one of ordinary skill in the art to provide the odor absorbing material in the amount as claimed to provide the desired effect of the odor absorbing material.

Official notice is taken that it is known in the art to provide a bag made with material as set forth in claim 4. It would have been obvious to one of ordinary skill in the art to make the material from the material as set forth in claim 4 to provide the desired material for the clothes cover.

Regarding claim 5, note titanium oxide in JP699

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson (2315909) in view of JP 8266388 or Sesselmann (5539930). JP 388 teaches that it is known in the art to a clothes cover from odor absorbing sheet applied to a non-woven sheet with active carbon for absorbing odor. Sesselmann teaches that it is known in the art to provide a bag (see figures) with carbon-activated layer. It would have been obvious to one of ordinary skill in the art to make the cover from a material with an odor absorbing sheet as taught by JP 388 or Sesselmann to removing bad odor from the clothes.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide the sheet of material from the material as set forth to provide the desired material for the clothes cover.

Regarding claim 13, portion 13 is the slit as claimed.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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